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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,961	08/31/2001	Seung-Cheol Hong	P54428RE	7701

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EXAMINER

MYERS, PAUL R

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 12/02/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 09/942,961
Filing Date: August 31, 2001
Appellant(s): HONG ET AL.

MAILED

DEC 01 2003

Technology Center 2100

Robert E. Bushnell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 2, 2003.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: Claims 20 and 24 are now objected to and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 11,12,14,17,18,20,21,22,24,25,28,31,35,38,43,46,55 and 56 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5465366

Heineman

11-1995

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-19, 21-23, 25-33, 35-36, 38, 42-43, 46, 55-56, and 60, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Heineman (5,465,366).

3. As per claims 11, 17, 21, 25, 31, 35, 38, and 55, AAPA teaches a power saving display device and method for controlling power thereof including a power supply providing power to a heater of a tube in a monitor (Fig. 1; col. 1, lines 37-67; col. 4, lines 10-60). However, AAPA does not teach a switching circuit being disposed between the main power supply and the heater for switching off the power to the heater when the monitor enters the power-off mode.

Heineman teaches that it is known to provide a switching circuit between a power supply input

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and output to a monitor for controlling power to the monitor in response to a control signal (Abstract; Fig. 2; col. 2, lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the switching circuit as taught by Heineman in the system of AAPA because it would provide a control for saving power and preventing burn-in from constant display of the same image and also prolong the monitor life.

4. As per claims 12, 18, 22, 26, 32, 43, 46, and 56, AAPA and Heineman discloses the claimed invention as described above and furthermore AAPA teaches a control unit receiving a video synchronization signal and generating a control signal to control the switch (Fig. 1; col. 1, lines 23-35; col. 4, lines 30-43).

5. As per claims 13, 15, 19, 23, 27, 29, 33, and 36, AAPA and Heineman discloses the claimed invention as described and AAPA teaches that it is well known and expected in the art to include a mode indicator including LEDs for indicating a power mode (Fig. 1; col. 2, lines 4-14; col. 4, lines 47-60).

6. As per claims 14, and 28, AAPA and Heineman discloses the claimed invention as described above and furthermore AAPA teaches the present power mode being one selected from among a plurality of power modes in accordance with DPMS standards (col. 4, lines 10-45).

7. As per claims 16, 30, 42, and 60, AAPA and Heineman disclose the claimed invention as described above. Official notice is taken in that both the concepts and advantages of using transistors for switching is well known and expected in the art of switching. It would have been obvious to one ordinary skill in the art at the time the invention was made to include the transistor as the switching circuit to provide a reliable component for switching and to adhere to

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common practice in the technology as the transistor is a fundamental component in all modern electronics.

(11) Response to Argument

In response to applicants argument that the examiner has not demonstrated that applicants admitted prior art qualifies as prior art under one or more sections of 35 U.S.C. 102: The cited sections of Figure 1, col. 1, lines 37-67, and col. 4, lines 10-60 are "Applicant's Admitted Prior Art (AAPA)", it is noted that in the cited sections of col. 4, line 10, it is stated "An earlier power management control apparatus is shown in Fig. 1 ...". As per Webster's II New College Dictionary, earlier is defined as near the beginning of a given series, time period or course of events. Furthermore, MPEP Section 2129 states "when applicant states that something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections." Finally, column 4, line 61 states that "However, the above arrangement has the shortcomings of", thus further supporting that Figure 1 and associated columns are prior art. Therefore, since Hong et al. has clearly defined Figure 1 and associated columns in the specification as "earlier", it is available as prior art. Admitted prior art can be used in obviousness rejections. In re Nomiya, 509 F.2d 566, 184 USPQ 607, *611 (CCPA 1975). Thus applicants arguments are not persuasive.

In regards to applicants argument regarding claims 20 and 24 and their relation to claims 34 and 37 are persuasive.

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In regards to applicants argument that Heineman does not teach the features relied upon in applicants admitted prior art. The examiner agrees. The rejection is not a 102 rejection but a 103 rejection of AAPA in view of Heineman. AAPA teaches these features. Figure 1 col. 1, lines 37-67 and col. 4, lines 10-60. Thus applicants arguments are not persuasive.

In regards to applicants further arguments: The examiner notes all further arguments are addressed to whether applicants earlier related art that the applicants invention is an improvement over is not "prior art": It is noted that in the cited sections of col. 4, line 10, it is stated "An earlier power management control apparatus is shown in Fig. 1 ...". As per Webster's II New College Dictionary, earlier is defined as near the beginning of a given series, time period or course of events. Furthermore, MPEP Section 2129 states "when applicant states that something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections." Finally, column 4, line 61 states that "However, the above arrangement has the shortcomings of", thus further supporting that Figure 1 and associated columns are prior art. Therefore, since Hong et al. has clearly defined Figure 1 and associated columns in the specification as "earlier", it is available as prior art. Admitted prior art can be used in obviousness rejections. In re Nomiya, 509 F.2d 566, 184 USPQ 607, *611< (CCPA 1975). Thus applicants arguments are not persuasive.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,




PAUL R. MYERS
PRIMARY EXAMINER

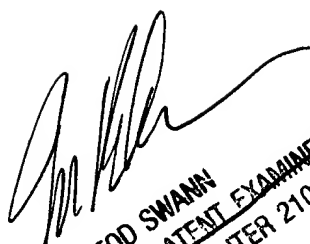
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November 19, 2003

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Appeal No. 2002-1634
Application No. 09/036,621

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